



## STAFF REPORT

### BARTHOLOMEW COUNTY PLAN COMMISSION (Updated-November 12<sup>th</sup>, 2015 Meeting)

**Docket No. / Project Title:** RZ-15-02 (Bruce Nolting Commercial)  
**Staff:** Charles Russell  
  
**Applicant:** Bruce Nolting  
**Property Size:** 41.68 Acres  
**Current Zoning:** AP (Agriculture Preferred)  
**Proposed Zoning:** CR (Commercial: Regional Center)  
**Location:** Southwest corner of the intersection of U.S. 31 and ST. RD. 46, in Columbus Township

#### Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of providing an opportunity for commercial development at this property that is consistent with the comprehensive plan. The applicant has indicated that there are no specific businesses currently interested in this property. The Plan Commission continued this application to the November meeting citing the need to digest and better consider the request, obtain additional comments from INDOT regarding access to the property, have the Planning Department review buffering, and to allow the request to be considered with additional commission members present. All new information in the staff report has been underlined.

#### Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Is there adequate sewer and water service access at this location?
2. Is there concern about handling a fire at a potential major commercial development?
3. What is the appropriate buffer at this location for the adjacent residential?

#### Preliminary Staff Recommendation:

Favorable recommendation to the County Commissioners, including the following commitment: A Type A Buffer Yard with a fence or wall shall be constructed along the east, west, and south property lines of 6985 E ST RD 46 at the time the subject property is developed.

#### Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the County Commissioners, (2) forward an unfavorable recommendation to the County Commissioners, (3) forward the application to the County Commissioners with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the rezoning request. The County Commissioners make all final decisions regarding rezoning applications.

**Decision Criteria:**

Indiana law and the Bartholomew County Zoning Ordinance require that the Plan Commission and County Commissioners pay reasonable regard to the following when considering a rezoning:

**The Comprehensive Plan.**

*Preliminary Staff Comments:* This rezoning is consistent with the comprehensive plan. This area is designated in the Bartholomew County Comprehensive Land Use Plan as a Development District, meaning commercial development at this location is suggested and preferred.

**The current conditions and the character of current structures and uses in each district.**

*Preliminary Staff Comments:* This property is currently used as an agricultural field, and has commercial development to the east and west. The property is bordered by residential to the north and south.

**The most desirable use for which the land in each district is adapted.**

*Preliminary Staff Comments:* The comprehensive land use plan calls for this area to be commercial due to its proximity to ST. RD. 46, ST. RD. 7, and U.S. 31. With commercial already existing nearby this would be an appropriate use for this property.

**The conservation of property values throughout the jurisdiction of Bartholomew County.**

*Preliminary Staff Comments:* Development at this property would not adversely affect adjacent property values. A development at this site potentially would increase the value of existing commercial nearby.

**Responsible growth and development.**

*Preliminary Staff Comments:* The Bartholomew County Comprehensive Plan has many goals and policies related to responsible growth and development. Specifically these goals and policies encourage clustered development, and discourage scattered strip development. This rezoning would provide a large central location for the clustering of new commercial development, and the proposed CR zoning would be compatible with the current sewer and road infrastructure available.

<b>Current Property Information:</b>	
<b>Land Use:</b>	Agriculture
<b>Site Features:</b>	A regulated drain (Brush Creek/ Hardin Linke drain) bisects the two properties included in this rezoning request.
<b>Flood Hazards:</b>	A portion of the property is located in the Zone A 100 year flood zone.
<b>Special Circumstances:</b> (Airport Hazard Area, Wellfield Protection Area, etc.)	N/A
<b>Vehicle Access:</b>	SR 46: Arterial SR 7: Arterial US 31: Arterial

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
<b>North:</b>	AP (Agriculture Preferred)	Large-lot Single-family Residential
<b>South:</b>	AP (Agriculture Preferred)	Large-lot Single-family Residential Agricultural Field
<b>East:</b>	CC (Commercial: Community Center) AP (Agriculture Preferred)	Appliance Store, Headstone Retailer Mobile Home Park Agricultural Field
<b>West:</b>	AP (Agriculture Preferred) CC (Commercial: Community Center)	Agricultural Field Commercial

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: AP	Proposed Zoning: CR
<b>Zoning District Intent:</b>	This district provides an area suitable for agriculture and related uses, and preserves the viability of agricultural operations.	This district is intended to establish appropriate locations for businesses that (1) serve a regional market or (2) require access to high-volume transportation routes.

<b>Permitted Uses:</b>	<p>Agriculture Uses</p> <ul style="list-style-type: none"> <li>• farm (CFO/CAFO type I)</li> <li>• farm (general)</li> </ul> <p>Residential Uses</p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> </ul> <p>Park Uses</p> <ul style="list-style-type: none"> <li>• nature preserve</li> <li>• conservation area</li> </ul>	<p>Communications / Utilities Uses</p> <ul style="list-style-type: none"> <li>• communication service</li> <li>• utility substation</li> <li>• water tower</li> </ul> <p>Public / Semi-Public Uses</p> <ul style="list-style-type: none"> <li>• clinic</li> <li>• community center</li> <li>• day-care center (adult or child)</li> <li>• government office</li> <li>• hospital</li> <li>• museum</li> <li>• parking lot / garage (as a primary use)</li> <li>• police, fire, or rescue station</li> </ul>
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		<ul style="list-style-type: none"> <li>• post office</li> <li>• trade or business school</li> <li>• worship facility</li> </ul> <p>Park Uses</p> <ul style="list-style-type: none"> <li>• nature preserve</li> <li>• conservation area</li> <li>• park / playground</li> </ul> <p>Commercial Uses</p> <ul style="list-style-type: none"> <li>• auto-oriented uses (small, medium, and large scale)</li> <li>• auto rental (includes truck, RV, etc.)</li> <li>• builder's supply store</li> <li>• data processing / call center</li> <li>• equipment rental</li> <li>• farm equipment sales and service</li> <li>• health spa</li> <li>• hotel / motel</li> <li>• instructional center</li> <li>• liquor store</li> <li>• office uses</li> <li>• personal service uses</li> <li>• recreation uses (small and medium scale)</li> <li>• restaurant</li> <li>• retail (small, medium, and large scale)</li> </ul> <p>Industrial Uses</p> <ul style="list-style-type: none"> <li>• wholesale facility</li> </ul>
<b>Water and Sewer Service:</b>	Not Required	Required
<b>Lot and/or Density Requirements:</b>	1 acre (43,560 sq. feet) or as necessary to provide 2 viable septic sites	15,000 sq. feet

<b>Setbacks Required:</b> Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	<b>Side Yard Setback:</b> Agricultural Structure: 30 feet Primary Structure: 30 feet Accessory Structure: 15 feet <b>Rear Yard Setback:</b> Same as Side Yard Setback <b>Front Yard Setback:</b> 50 feet	<b>Side Yard Setback:</b> 10 feet <b>Rear Yard Setback:</b> 10 feet <b>Front Yard Setback:</b> 50 feet Type C buffer required against any AP. This is an additional 20 foot setback from rear or side of the subject property.
<b>Height Restrictions:</b>	<b>Primary Structure:</b> 1 Primary Structure allowed Max Height: 40 feet <b>Accessory Structure:</b> 35 feet	<b>Primary Structure:</b> 1 primary structure allowed* Max Height: no maximum *shopping centers, office complexes, and multi-family residential developments may have unlimited structures <b>Accessory Structure:</b> 25 feet
<b>Floor Area Requirements:</b>	N/A	N/A
<b>Signs:</b>	No signs permitted, but some allowed conditionally. Wall Sign: Conditional, 1 per road frontage, maximum 150 sq feet in area or 15% of total front walls, whichever is less. Freestanding Sign: Conditional, 1 per road frontage, maximum 50 square feet in area and maximum 15 feet tall.	All signs permitted Wall Sign: 3 per frontage permitted, maximum 350sq feet in area or 15% of all front walls, whichever is less. Freestanding Sign: 1 per road frontage permitted, maximum 150 sq feet in area and maximum 25 feet tall. Development Entry Sign: 2 permitted per access point, maximum 32 sq feet each and maximum 10 feet tall.

<b>Interdepartmental Review:</b>	
<b>County Highway Department:</b>	No issues with this request. Roads are controlled by INDOT
<b>Columbus Township Fire Department:</b>	No concern about ability to fight a potential commercial fire at this site.
<b>Columbus City Utilities:</b>	<p>The parcel is within the territory of the former Eastern Bartholomew Regional Sewer District that was merged with the Columbus Utilities several years ago. It does not have sanitary sewer service on site but service is available on the North side of SR 46 (200 S). It likely that the Board of Health will require connection and will not issue an on-site permit since the sewer is within 300 feet of the property.</p> <p>Not related to the rezoning, but information for the property owner's benefit. The sewers in this area are what is known as an effluent type system. This means that the developer will have to install a properly sized septic tank and the effluent from this tank is piped to the City sewer.</p> <p>The CCU does not have water lines in the area, but the area is served through Eastern Bartholomew Water.</p>
<b>Eastern Bartholomew Water:</b>	No comments at this time.
<b>INDOT:</b>	<u>New access drives for this property would not be an issue, there are no existing limitations. Each drive would be subject to INDOT review and approval.</u>

### **Comprehensive Plan Consideration(s):**

The Future Land Use Map indicates the future use of this property as "Development District."

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **Policy 1-B:** When land is proposed for subdivision or rezoning, require at the applicant's expense, a technical impact study by a qualified person or firm. Require the Plan Commission and/or County Commissioners to consider the effect on adjoining and nearby agricultural land in making decisions. Impacts to be studied include but are not limited to drainage, crop and livestock operation procedures, and traffic.
2. **Policy 1-C:** Require the Plan Commission and County Commissioners to consider the additional costs of providing public services for the land being considered for rezoning from agricultural use.
3. **Policy 1-H:** Use incentives to encourage development in areas where growth is desired.
4. **Policy 18-E:** Discourage scattered industrial and commercial land use.
5. **Policy 18-M:** Encourage development of commercial and office centers, rather than strip development.

**Planning Consideration(s):**

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. This property is in the center of a proposed Development District in the Bartholomew County Comprehensive Land Use Plan. This district extends from the Columbus jurisdiction to the intersection of State Road 7 and U.S. 31.
2. This property is bounded by ST. RD. 46, ST. RD 7, and U.S. 31. These three roads have the capacity to carry high volume traffic to a potential regional commercial development.
3. The intersections to the east and west are already zoned commercial (CC: Community Commercial). Uses at these locations cater to more community based uses rather than the regional scale of the CR zoning district.
4. The Brush Creek / Hardin Linke regulated drain bisects the two properties involved in this rezoning request.
5. A single-family residence (1 acre lot) is bordered by the subject property on three sides. Should the rezoned property be developed as commercial it would be required to implement a buffer to this residential. This would be Type C buffer, which includes an additional 20 foot setback and a moderate landscape screen of evergreen trees and shrubs.
6. Any structures on the property, if rezoned, would have a minimum setback of 50 feet from the adjacent highway right-of-way. Parking lots would have a 10 foot setback from the right-of-way and landscape screening. All outdoor sales and display would be limited and all outdoor storage would be required to be screened from view by a fence and landscaping. On the north side of the subject property, for example, the State Road 46 right-of-way is approximately 120 feet resulting in a separation of 170 feet from these properties to any future commercial structure. Further, the nearest home on that side of the property would be approximately 220 feet from any commercial structure.